

# HOUSE BILL REPORT

## EHB 1409

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### As Amended by the Senate

**Title:** An act relating to the sale, exchange, transfer, or lease of public property.

**Brief Description:** Authorizing the sale, exchange, transfer, or lease of public property.

**Sponsors:** Representatives Appleton, Hurst and McCoy.

#### **Brief History:**

##### **Committee Activity:**

State Government & Tribal Affairs: 2/10/11, 2/16/11 [DP].

##### **Floor Activity:**

Passed House: 3/5/11, 63-34.

Senate Amended.

Passed Senate: 4/7/11, 43-5.

#### **Brief Summary of Engrossed Bill**

- Includes a federally recognized Indian tribe as an entity to which the state, a municipality, or a political subdivision may sell, transfer, exchange, lease, or dispose of real or personal property.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** Do pass. Signed by 6 members: Representatives Hunt, Chair; Darneille, Dunshee, Hurst, McCoy and Miloscia.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander and Condotta.

**Staff:** Marsha Reilly (786-7135).

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The state, any municipality, or any political subdivision of the state, may sell, transfer, exchange, lease, or dispose of real or personal property to the state, a political subdivision of the state, or the federal government.

Before disposing of surplus property with an estimated value greater than \$50,000, the state or local government must hold a public hearing in the county where the property is located. Notice must be published at least 10 days, but not more than 25 days, before the hearing in a newspaper of general circulation in the area where the property is located. If the property is real property, the notice must also describe the proposed use of the lands involved. A news release must also be disseminated to the electronic media in the area where the property is located.

**Summary of Engrossed Bill:**

The state, any municipality, or any political subdivision of the state, may sell, transfer, exchange, lease, or dispose of real or personal property to a federally recognized Indian tribe. The terms and conditions of such a transaction must retain any existing lease agreements, easements, and public access provisions.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment removes the requirement that the terms and conditions for any sale, transfer, exchange, lease, or disposal of real property to a federally recognized Indian tribe must retain any existing lease agreements, easements, and public access provisions in place at the time of the transaction.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The law currently allows state and local governments to sell, transfer, or lease to each other, but it does not apply to federally recognized Indian tribes. It does not require the transfer of any property, it simply gives the authority to sell, transfer, or lease to a tribe. The Muckleshoot Tribe is currently negotiating on a land transfer, but cannot go forward because the public entity does not have the authority needed for the transaction. This bill will resolve that issue. This bill does not cost money and may even generate revenue in some cases. The Umatilla Tribe works in partnership with various entities regarding restoration projects.

(Opposed) None.

**Persons Testifying:** Richard Reich and Rick Jensen, Muckleshoot Indian Tribe; and Naomi Stacy, Confederated Tribes of the Umatilla Indian Reservation.

**Persons Signed In To Testify But Not Testifying:** None.